

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1 and 5 are amended.

Claim Objections

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 5 is depended on multiple dependent claim 4. Claim 5 has been amended to comply with 37 CFR 1.75(c). Thus, the objection as it applies to claim 5 is moot.

Claim Rejections - 35 USC § 103

Claims 1-4 and 6 are rejected under U.S.C. 103(a) as being unpatentable over Ueda et al (US 6,133,558; hereinafter “Ueda”) in view of Yoshino et al (US 6,172,348; hereinafter “Yoshino”).

Regarding claim 1, neither Ueda nor Yoshino, alone or in combination, discloses, teaches, or renders foreseeable that the steam supply is stopped when the whole surface of the

frozen commodity is covered with the film of dew condensation. The steam supply in Ueda is not stopped, but is continued to be raised for the entire heating period of the frozen commodity (See, for example, Figure 21 of Ueda). Yoshino is silent about using a steam supply in the high frequency heating apparatus. Also, neither Ueda nor Yoshino, alone or in combination, discloses, teaches, or renders foreseeable a second high frequency heating step for high frequency heating the frozen commodity **after the formation of the film of dew condensation on the whole surface of the frozen commodity**. Ueda does not disclose that the timing of the second high frequency heating step is after the formation of the film of dew condensation on the whole surface of the frozen commodity. Yoshino is silent about the formation of the film of dew condensation in the thawing method by the high frequency heating apparatus. Accordingly, the combination of Ueda and Yoshino does not meet all of the limitations of claim 1. Therefore, the asserted combination of Ueda and Yoshino does not render claim 1 obvious. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Claims 2-4 and 6 which are dependent from claim 1 should be allowable for at least the same reason as claim 1. In addition, regarding claims 2 and 3, neither Ueda nor Yoshino, alone or in combination, discloses, teaches, or renders foreseeable that a weight evaluation step for evaluating the weight of the frozen commodity based on a temperature increase rate of the frozen commodity measured in the temperature detection step. Ueda does not disclose the weight evaluation step at all. Yoshino discloses the weight sensor 23, but there is no disclosure in Yoshino that the weight sensor 23 evaluates the weight of the frozen commodity based on a **temperature increase rate** of the frozen commodity measured in the temperature detection step. Yoshino merely discloses that the weight sensor 23 detects the weight of the food 6 (Yoshino;

column 43, line 42-43), but is silent about any basis on which the weight sensor 23 detects the weight of the food 6. Regarding claim 6, neither Ueda nor Yoshino, alone or in combination, discloses, teaches, or renders foreseeable that the high frequency heating in the first high frequency heating step is stopped during the steam supplying step. Yoshino does not disclose the steam supplying step at all. Ueda merely discloses that the microwave output is reduced after passing the point A (Ueda; column 5, lines 26-27), but is silent about stopping the microwave output during the steam supplying step.

Appl. No. 10/578,128
Amdt. Dated: February 12, 2009
Reply to Office action of November 20, 2008

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-40369.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: February 12, 2009